

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 21-20205

Civil Case No. 24-11082

Honorable Sean F. Cox

United States District Court Judge

v.

RICHARD MONEY SMITH,

Defendant.

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**OPINION AND ORDER**  
**DENYING DEFENDANT'S SECTION 2255 MOTION**

Defendant Richard Money Smith ("Smith") was indicted for possessing a firearm as a felon in violation of 18 U.S.C. § 922(g)(1). The matter now before the Court is Smith's *pro se* § 2255 Motion Finding 18 U.S.C. 922(g)(1) Unconstitutional. (ECF No. 36). Smith challenges the constitutionality of § 922(g)(1) under the Second Amendment both on its face and as applied to him in light of the U.S. Supreme Court's opinion in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022). The Government filed its response on April 20, 2023. (ECF No. 39). Smith did not file a reply. The Court now rules on Smith's motion without a hearing pursuant to E.D. Mich. L.R. 7.1(f)(2).

*Bruen* did not disturb the settled law in this Circuit that § 922(g)(1) is constitutional as applied to any felon, and consequently the statute is constitutional both on its face and as applied

to Smith as a matter of law.<sup>1</sup> *See United States v. L. Williams*, No. 23-cr-20243, 2023 WL 8190690, at \*5 (E.D. Mich. Nov. 27, 2023) (collecting cases); *see also See United States v. Carey*, 602 F.3d 738, 740–41 (6th Cir. 2010).

Accordingly, **IT IS ORDERED** that Smith’s § 2255 Motion Finding 18 U.S.C. 922(g)(1) Unconstitutional (ECF No. 26) is **DENIED**.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: April 24, 2024

s/Sean F. Cox

Sean F. Cox  
U. S. District Judge

I hereby certify that on April 24, 2024, the document above was served on counsel and/or the parties of record via electronic means and/or First Class Mail.

s/J. McCoy

Case Manager

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1. And this Court is not bound by its cases holding otherwise, such as *United States v. R. Williams*, No. 23-cr-20201, 2024 WL 731932 (E.D. Mich. Feb. 22, 2024).

2. The Government argues that Smith’s motion is untimely, but the Court need not and does not reach this question.